

Item _____

Prepared by: Commissioner Carpenter

Approved by _____

Resolution requesting the Shelby County Delegation and Tennessee General Assembly support House Bill 1212 & Senate Bill 1094 requiring the County Commission is a county with more than one division of General Sessions Court to designate one division as a Domestic Violence Division. Sponsored by Commissioner Mike Carpenter.

WHEREAS, domestic crime has reached epidemic proportions in Shelby County with a doubling of domestic homicides within the last year and more than 20,000 complaints of domestic abuse annually; and

WHEREAS, the County's anti-crime initiative Operation: Safe Community calls for aggressive efforts to address domestic crime including the creation of a domestic violence court; and

WHEREAS, the County Commission in filling a vacancy created by the untimely death of Judge Anthony Johnson requested candidates state their willingness to hear a domestic violence only docket; and

WHEREAS, the County Commission appointed Lee Wilson, who committed his willingness to hear a domestic violence only docket and to request that the general sessions judges allow him to hear such a docket; and

WHEREAS, The District Attorney General, Shelby County Sheriff and Memphis City Police Director have all indicated their support for a domestic violence only docket or domestic violence court; and

WHEREAS, To date, there has been no movement by the general sessions court judges to initiate a domestic-violence only docket; and

WHEREAS, A 2007 analysis by the National Center for State Courts identifies at least 150 domestic violence courts or dockets nationwide and concludes that most have been successful at improving victim safety and offender accountability; and

WHEREAS, Representative Jim Coley and Senator Paul Stanley have introduced legislation (HB 1212/SB 1094) to require Counties with more than one division of general sessions court to designate one as a domestic violence court; and

WHEREAS, HB 1212/SB 1094 allows counties to use existing resources to establish this court and requires no additional expenditures; and

WHEREAS, advocates for victims of domestic crime have indicated that existing resources, while not optimal, could be utilized to establish a domestic violence court;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the Shelby County Delegation and Tennessee General Assembly are requested to support House Bill 1212 and Senate Bill 1094 to allow Shelby County to create a domestic violence court

BE IT FURTHER RESOLVED, that the Shelby County Legislative Delegation and members of the Tennessee General Assembly be made aware of this request by copy of this resolution.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately, the public welfare requiring the same.

A C Wharton, Mayor

Date: _____

ATTEST:

Clerk of County Commission

ADOPTED: _____

Attachment A

SENATE BILL _____

By

AN ACT to amend Tennessee Code Annotated, Title 38,
relative to a missing senior alert program.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 6, Part 1, is amended by
adding the following as a new section:

38-6-121.

(a) The general assembly hereby finds that, in the case of an endangered missing senior citizen, the first few hours are critical in finding the senior citizen. To aid in the identification and location of endangered missing senior citizens, there is hereby created the endangered missing senior citizen alert program. Referred to in this section as the "program", to be implemented by the Tennessee Bureau of Investigation. The program shall be a coordinated effort among the bureau, local law enforcement agencies, and the state's public and commercial television and radio broadcasters.

(b) For the purposes of this section, "endangered missing senior citizen" means a person:

- (1) Whose whereabouts are unknown;
- (2) Whose age at the time he or she is first reported missing is sixty (60) years of age or older ; and
- (3) Whose disappearance poses a credible threat to the safety and health of the person, as determined by a local law enforcement agency.

(c)

(1) The bureau shall implement the program as provided in this subsection
(c) and pursuant to rules promulgated as provided in subsection (d) of this section.

(2) When a local law enforcement agency receives notice that a senior citizen is missing, the agency may request the senior citizen's family or legal guardian provide documentation of the senior citizen's impaired mental or other relevant medical condition as part of the criteria for determining if the senior citizen is endangered. The agency may follow a procedure established by rule to verify the senior citizen is missing and is endangered. Once the local law enforcement agency verifies the senior

citizen is missing and endangered, the local law enforcement agency may notify the bureau.

(3) When notified by a local law enforcement agency that a senior citizen is missing and endangered the bureau shall confirm the accuracy of the information and then issue an alert.

(4) The alert shall be sent to designated media outlets in Tennessee.

Participating radio stations, television stations, and other media outlets may issue the alert at designated intervals as specified by rule.

(5) The alert shall include all appropriate information from the local law enforcement agency that may assist in the safe recovery of the missing senior citizen and a statement instructing anyone with information related to the missing senior citizen to contact his or her local law enforcement agency.

(6) The alert shall be cancelled upon bureau notification that the missing senior citizen has been found or at the end of the notification period, whichever occurs first. A local law enforcement agency that locates a missing senior citizen who is the subject of an alert shall notify the bureau as soon as possible that the missing senior citizen has been located.

(d) The executive director of the bureau shall promulgate rules in accordance with title 4, chapter 5, for the implementation of the program. The rules shall include, but need not be limited to:

(1) Procedures for a local law enforcement agency to use to verify whether a senior citizen is missing and to verify whether a senior citizen is endangered and the circumstances under which the agency shall report the missing senior citizen to the bureau;

(2) The process to be followed by the bureau in confirming the local law enforcement agency's information;

(3) The process for reporting the information to designated media outlets in Tennessee; and

(4) Any additional processes concerning implementation of the program.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.